

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE INSURANCE COMPANY OF THE STATE :
OF PENNSYLVANIA, :

Plaintiff, :

vs. :

ARGONAUT INSURANCE COMPANY, :

Defendant. :

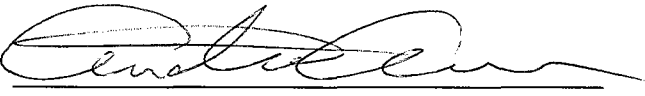
: 1:12-cv-06494-DLC

: **NOTICE OF MOTION FOR**
: **PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE THAT, upon the memorandum of law dated May 17, 2013, the annexed Declaration of Andrew S. Amer, Esq. and the exhibits attached thereto, the annexed Declaration of Patrick DiCaprio, and the Statement of Uncontested Material Facts pursuant to Local Civil Rule 56.1, Plaintiff by its attorneys, Simpson Thacher & Bartlett LLP, hereby moves this Court for an Order pursuant to Rule 56(a) of the Federal Rules of Civil Procedure granting partial summary judgment and dismissing Defendant Argonaut Insurance Company's First, Second and Third Affirmative Defenses, and for such other and further relief as the Court deems necessary and appropriate.

Dated: May 17, 2013
New York, New York

SIMPSON THACHER & BARTLETT LLP

By: 
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the State of Pennsylvania*